

R & R EXPRESS



P.O. BOX 16098 • PITTSBURGH, PA 15242 • (412) 429-1110

QA
22343
March 22, 1994

Mr. George Reagle
Associate Administrator for Motor Carriers
HMT-1 Room 3401
Federal Highway Administration
400 7th Street, SW
Washington, D.C. 20590

FHWA-97-2425-4

RE: OMCS No. PA-93-047-532

Dear Mr. Reagle:

Regarding the above captioned case number, we respectfully request your consideration in granting a formal hearing for reasons noted below.

(1) In reference to citations for 5 non-record keeping violations regarding driver physicals - admitted, however procedures have been upgraded to prevent future infractions.

(2) In reference to 2 citations using unqualified drivers where they had not been tested for controlled substances prior to driving - this matter has been resolved in a prior letter.

(3) In reference to citations using unqualified drivers with no biennial controlled substance test - disputed. R & R Express was conducting a random testing program that began in 1992. Although random tests were not performed between July 1992 and December 1992 due to confusion over procedures and lack of experiences and qualified personnel to monitor the program, random tests were performed in January 1993 bringing our annual random test rate to 50%.

During a previous compliance audit, agents for the U.S. Dept of Transportation, Office of Motor Carriers reviewed the procedures for random testing. Our understanding was annual testing was from the first date in which random test were conducted - making our anniversary quarter the first quarter of 1993. In addition we had been advised that once your random testing program was in place, biennial testing no longer required.

(4) In reference to non-record keeping citations noted for drivers exceeding maximum gross vehicle weight - admitted with reservations.

3 pgs

As explained to the agents during the compliance audit, shipments are loaded as dispatched by the customer. We do not know the actual weights of the shipments until the driver returns with the shipping order issued by the customer. In all instances, if a driver refuses to load a shipment as tendered by the shipper, we as a carrier would no longer be considered for participation in that customer's business.

Safety is strongly emphasized in our driver program. It is not our intent to operate outside the guidelines and regulations under which motor carriers are governed.

(5) In reference to citation for improper securement of cargo - disputed to the degree we did not, nor did anyone to our knowledge, witness the securement and distribution of the cargo upon loading and cannot attest to the manner or means by which the material was secured to the trailer.

Regarding references made to formal statement signed by our Vice President of Operations, Beverly Mangan - the statement was prepared by Agent Dan Milton for review by our staff. Changes were not made because implications were that they should not be. Admission to violations and measures taken to correct them in the statement were questioned. Response to the inquiry were that it was best to state your intentions in resolving the possibility of future infractions and to specifically state that all irregularities had ceased. The same instructions were given by the Regional Office in Baltimore when inquiries were made on responding to the original notice.

We feel the fines imposed by the Office of Motor Carriers regarding the above are excessive. We do not make claim to a perfect operation, however we had been operating with a Satisfactory safety rating since 1992. This rating was earned through diligent efforts to bring our operation into compliance and produce a safe and quality company. Decisions made by drivers or shippers, regardless of what our policies are, are matters beyond our control. To bear the responsibility alone in the matter would seem counter-productive. If this company is forced to pay the fines as imposed, it would have a drastic effect on our ability to stay in business. If this company should close, it would not correct a situation that has been created by others.

Upon consideration of the above, we again respectfully request a formal hearing in the matters heretofore addressed.

Thank you,



Ronald H. Reinert, President
R & R Express

CERTIFICATE OF SERVICE

This is to certify that on the 23rd day of March, 1994
the undersigned mailed or delivered, as specified, the designated
number of copies of the foregoing document to the parties listed
below.

Mr. Ronald Reinerth, President R & R Express (KDK Transport, Inc. dba) P O Box 16098 Pittsburgh, PA 15242	One Copy Personal Delivery
--	-------------------------------

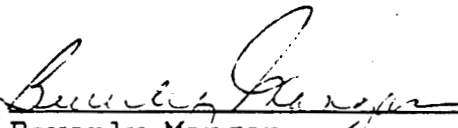
Mr. George L. Reagle Assoc. Administrator/Motor Carriers HMT-1, Room 3401 Federal Highway Administration 400 7th Street, SW Washington, D.C. 20590	One Copy U.S. Mail
---	-----------------------

Mr. Francis J. Locke (HRC-03) Regional Counsel Federal Highway Administration 10 South Howard Street, Suite 4000 Baltimore, MD 21201	One Copy U.S. Mail
--	-----------------------

Ms. Joyce D. Wilson Motor Carrier Docket Clerk Federal Highway Administration 10 South Howard Street, Suite 4000 Baltimore, MD 21201	One Copy U.S. Mail
--	-----------------------

Motor Carrier Safety Docket Clerk HCC-20, Room 4224 Federal Highway Administration 400 7th Street, SW Washington, D.C. 20590	One Copy U.S. Mail
--	-----------------------

Mr. James W. Scouten Attorney for the Regional Director Region 3 Office of Motor Carriers 10 South Howard Street, Suite 4000 Baltimore, MD 21201	One Copy U.S. Mail
--	-----------------------


Beverly Mangan
Vice President, Operations
R & R Express